

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
PEGGY S. RUFFRA
Supervising Deputy Attorney General
JEREMY FRIEDLANDER, State Bar No. 125138
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5974
Fax: (415) 703-1234
Email: Jeremy.Friedlander@doj.ca.gov

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AN DUY NGUYEN,

Petitioner,

v.

MIKE EVANS, Warden,

Respondent.

C 07-3979 SI (PR)

**DECLARATION OF JEREMY
FRIEDLANDER IN SUPPORT
OF MOTION TO ACCEPT
OVERSIZE MEMORANDUM
OF POINTS AND
AUTHORITIES IN SUPPORT
OF ANSWER TO PETITION
FOR WRIT OF HABEAS
CORPUS**

I, Jeremy Friedlander, declare under penalty of perjury as follows: I am a Deputy Attorney General for the State of California and have been assigned litigation responsibility for this habeas corpus proceeding on behalf of respondent, Mike Evans.

On September 18, 2007, this Court ordered respondent to file an answer and supporting memorandum of points and authorities in this case. I have now completed both the answer and supporting memorandum and I submit them herewith. The supporting memorandum is 28 pages. The local rule limits briefs to 25 pages. Local Rule 7-4(b). The points and authorities in support of the petition in this case are about 15 pages but do not include a statement of facts. The state

1 appellate court's statement of facts is less than a page. Respondent has included a complete
2 statement of facts (10 pages long) which includes a detailed summary of the most important single
3 piece of evidence in this case—a videotape showing the crime scene immediately before and after
4 the killing. I believe that the full statement of facts is necessary for a proper understanding of the
5 case. Accordingly, I believe I would not be effectively serving the interests of respondent or
6 assisting this Court in the disposition of the case by submitting a brief shorter than I have prepared.

7 For that reason, I request leave to file a memorandum of points and authorities in support
8 of the Answer to Petition for Writ of Habeas Corpus in excess of the page limitation.

9 Dated: January 25, 2008

10 Respectfully submitted,

11 EDMUND G. BROWN JR.
Attorney General of the State of California

12 DANE R. GILLETTE
Chief Assistant Attorney General

13 GERALD A. ENGLER
Senior Assistant Attorney General

14 PEGGY S. RUFFRA
Supervising Deputy Attorney General

15
16
17 /s/ Jeremy Friedlander

18 JEREMY FRIEDLANDER
19 Deputy Attorney General
Attorneys for Respondent
20

21 JF:er

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Nguyen v. Evans*

No.: **C 07-3979 SI (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On January 25, 2008, I served the attached **1. MOTION TO ACCEPT OVERSIZE MEMORANDUM OF POINTS AND AUTHORITIES; 2. DECLARATION OF JEREMY FRIEDLANDER IN SUPPORT OF MOTION; and 3. [PROPOSED] ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

An Duy Nguyen
V-68985
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1060

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 25, 2008, at San Francisco, California.

E. Rios

Declarant

E. Rios

Signature